

A Short Abstract OF THE REASONS Against passing the BILL of FORFEITURES,

By way of Inquiry.

Query 1. **W**Hether it be not reasonable, that these Offenders should have the same Benefit from the Act of Indemnity, as all other greater Offenders? Either it is, or it is not: If it be, then the Intent of this Paper is answer'd, which submits the active Men, and those who were Managers, and had profitable Places, to refund their Pensions to the publick Treasury: If it be not, (as all things are most humbly submitted to the great Judgment of the Honourable House of Commons) then indeed they must be contented quietly to submit to the Penalties due by Law. But,

Query 2. Whether any Penalties be due by Law or not? Since the same Law, the Ancient, Common, and Fundamental Laws of the Kingdom, which say, *That an Act or Statute made by King, Lords and Commons, is a Law to this Nation.* Doth also say, *That the Judges of England are the sole Interpreters of that Law; And that their Interpretation and Judgment, though ever so Erroneous in itself, and contrary to the Letter of the Statute, ought not only to be observed, but revered by all inferior Subjects.* And the same Law of England which says, *That an Officer omitting the Oaths, shall forfeit 500 l.* Doth also say, *That the King may pardon that Penalty before Information Fil'd, which is done accordingly.* Therefore,

Query 3. Whether it be consistent with the Goodness and Clemency of that Honourable House, to take from them the Benefit of the Law? And to condemn such a Number of Men, their Wives and Families, by a Bill of Attainder: For the Bill doth not Enact, *That all Forfeitures, due by Law, shall be appropriated to the publick Use; but that all Officers who were not duly qualify'd, shall forfeit 500 l. right, or wrong, without a Tryal.* Either the Forfeitures are due by Law, or they are not: If they are not, then this Bill amounts to an Act of Attainder: If they are due by Law, then there is no prejudice to appropriate such Forfeitures only as can be recover'd by Law, which is all that is desir'd.

Query 4. Since it is most evident, that this is a Bill of Attainder that doth condemn a Number of Men which are not punishable by any Law besides itself; Whether it will not introduce a President of very dangerous Consequence, that may one day or other be severely used against us or our Posterity? Though ill Men may be concerned now, yet the Case is the same, and good Men may be concern'd hereafter. What are the Laws for, but to guide and protect us? And if a Law be defective, and ill things done under Umbrage thereof, our wise Ancestors have corrected the Law, and not the Offender; and that not for the sake of the Offender, but of themselves, and their Posterity, that all Men may have fair warning. It is a Fundamental Rule, where

there is no Law, there is no Offence: And therefore if this particular Act doth pass, 'tis hoped that care shall be taken in this Case, (as it was in the Case of my Lord Strafford) that the same shall not be made use of for a President against us, or our Posterity hereafter. But to return,

Query 5. Why is it not reasonable that some of those Officers should reap the Benefit of the Act of Indemnity, as well as other Offenders? Either these Offences are held to be greater than any other, or they are not: If they are not, then no Reason can be assigned, unless that which is already answer'd. And we cannot suppose that any person will maintain, That these Offenders are greater than Dispensing Judges, the Ecclesiastical Commissioners, the Quo Warranto Lords, the Surrenderers of Charters, and the Subscribers of Addresses and Papers for taking off the Test, &c. But,

Query 6. Whether the Judges at the Assizes did not openly declare, That all Dissenters in any Commission who did refuse to act, should be returned into the Crown-Office; For that the King had, by His Dispensing Power, left them utterly without Excuse. Your Consciences was formerly your Excuse, say they, but now you are free from such Pretences: And those who refuse to accept of the King's Favour, and to rely upon his Prerogative and Protection, shall be used as utter Enemies to the Government. 'Tis not for you to question the judgment of the Judges; They have given Judgment, and they will maintain it. What shall poor ignorant Laymen do in this Case? They are forced, against their Wills, to accept of Offices of Trouble and Charge on one side, and their Families must be ruin'd for it on the other; so they are twice punish'd for the same Offence. When a Prince positively commands the Service of His Subjects, and hath the Judges of His side, the Subject must obey; and in this Case the Dissenter must either have hazarded their Souls, or their Estates. 'Tis their Misfortune to think that Unlawful, which others do not: But it is no Fault to refuse to do a thing contrary to their Judgments. And, 'tis humbly hoped, whatever becomes of the active busier Men, yet those who bore only Offices of Trouble and Charge, as many Justices of Peace, who behaved themselves well in their Stations, shall not be blamed for following the advice of their Council, who did assure them, That what Opinion soever they themselves, or a Future Parliament might have of the Judgment of the Judges, yet it would certainly protect them until it was Reversed; And therefore an acceptance of the Commission was the only way left, in that critical Juncture, to secure themselves.

Query 7. Whether the several Commands, Declarations and Proclamations, by Vertue, or in pursuance of the Powers and Authorities hereafter mentioned, that is to say, of the Lords Spiritual and Temporal, Decemb. 11. of the Four Parliaments of King Charles II. 31 Decemb. 1688. of the Convention, 22d of January, of the King and Queen, 14th of February, and of the late Act for Amoving Papists, That all Protestant Justices (of which Few were duly qualified) should proceed in the Execution of their Offices, disarming Papists, securing all suspected or disaffected Persons, and preserving the Peace of the Countrey; Be not a tacite Confirmation of their former Proceedings? For the Bishops, the old Members of Parliament, and His Majesty very well knew, That the Dissenters could not receive the Sacrament, and take the Oaths, according to the Form of the Statute. And yet they expected they should act; and if they had not, no doubt they would have been esteemed by all as Enemies to the Kingdom, and so they would have been in the Reign of the late King, therefore there seems (with Submission) some reason to shew them Favor in one Case, as well as in the other; there is no doubt but this acting tended to the preservation of this Government, and that may atone, in some measure, for their acting in the last.

Query 8. Whether this Bill be design'd as an Expedient to raise more Money, and prevent Future Taxes upon the People? Or only for the Vindication of Publick Justice? If the latter, then the Exemplary Punishment of a few active Men may answer that Design in this, as well as in all other Offences: If the Former, then the New Proposal for raising more Money towards the speedy Reduction of Ireland by a general Tax upon all Offenders, seems more equal, more safe, and more effectual for that purpose. Such a general Law may be so penned, as to answer all the several Interests of this present Government: For there are three Things which seem to be our Interest at this Juncture of Time. 1. To make as many Friends as we can. 2. To disable all our Enemies. 3. To raise more Money, as a Fund, to carry on the War against France, by such a way as may prevent Future Taxes upon the People. The way to make as many Friends as we can, is to Indemnify all those Protestants who behaved themselves moderately in their respective Stations, continued to do this Duty upon the change of the Times, for the Service

Service of the present Government, and either have already, or are willing to take the New Oaths, or a civil Test, and do all other such Acts as shall be required for the Service of the Government. And those who have been active and leading Men, and shall persist in their Wickedness, (tho' tis hoped there will be but Few) yet we may conclude, that under all the long black Catalogue of Offences, there cannot remain less than 4000, which at 1000 l. a Man, one Offence with another, will amount to Four Millions, or at 500 l. will amount to Two Millions, to be levied upon Notorious Offenders, utter Enemies to the present Government, the Discovery whereof is our Happiness, and their Punishment our Security; so that by such a Bill, with a Proviso of that Nature, we shall be sure to make many Friends to disable our Enemies, and to raise a very considerable Fund, and prevent future Taxes upon the People; and therefore we join Issue with the *Irish* Proposers, and with them in good Success in their Paper: For, in that Proposal there is room for mercy, but here there is room for none; that is equal and just, this alone would seem unequal and partial, (since it is therein prov'd, that those other Offences are punishable by Law, and this is not;) that may answer all the Ends of Government, this can answer none.

Query 9. Whether it be not reasonable, and more consonant to the method of Proceedings in Parliament, that such a Number of Men should have fair warning by some Vote or Statute, That the Judgment of Judges shall not be Law, before they are condemn'd and ruin'd with their whole Families? Those who are guilty of buying and selling of Offices, have had fair warning by a Vote, and the other Offenders must be sensible of committing a Crime against the great Law and Custom of Parliament, which is *Lex Terra*, as well as the Common Law; and, it's conceived, they cannot so much as pretend Conscience in the Case: But it's plain, that the Dissenters had all along refused the Oaths, and many refused to act in any Commission, till they were frightned with the Crown-Office on one side, and persuaded by their Council on the other side, That the Judgment of the Judges was Law, till Reversed: Tho' it might be observed also, that the Members of the Church of England, and the Reverend Bishops and Clergy did all acknowledge, not long ago, That they were sorry for the late Persecutions meerly upon the account of Religion, and that the same might justly provoke our weak Brethren against us; and therefore let one Failing be set against the other, and all true Protestants be at length united against the Common Enemy.

Query 10. Whether there be not many true Members of the Church of England, who would be involved in such a general Act of Attainder? Some having by a bare Neglect, or by Sickness, or other extraordinary Occasions, lapsed the time in both the late Kings Reigns. Others, who took the Oaths, hapned to go away in the Crowd, without signing the Declaration or Test: Some tendred their Certificates, and were refused by Popish Justices. Others have perform'd all Ceremonies, and the Records of the Sessions are either imbezled, or lost, by neglect of Officers. Some again, by Mistake, have taken the Oaths in the Kings-Bench, instead of Chancery, and signed the short Test, instead of the long Test. Others, for want of Quarter-Sessions, have also incurr'd the Penalties. These and many other Cases, may not be in every persons present thoughts, and the Dissenter is willing that others should be saved, whatever becomes of himself.

Query 11. Whether any of the late Justices did act like honest Men in their Stations? Either they did, or they did not: If they did not, let them be severely punished according to Law: If they did, Where is the prejudice to the Government? O but they depended upon the King's Dispensing Power! What then? Were they not forc'd to it in their own Defence? They did indeed depend upon the Judgment of the Judges to be Law, and, for that Reason, were under no Necessity of complying with the late King in taking off the Test, as some will have it; No, it was not these Men, but the multitude of Addresses which deceived the Late King, and brought all those late Miseries upon us.

Query 12. Whether the late Protestant Justices be Friends or Enemies to the present Government? If Enemies, let them feel the Rigor of the Law: If Friends, then it is not our Interest to reject or destroy them: No more than it would be for *London-Derry* that is besieged, to destroy a Fountain of water at one time, which, by moderate use, would have supplied the Garrison with fresh water the whole Siege.

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Query 13. How shall we do to know who are our Friends, and who are our Enemies? You may guess by their Religion, by their Interest, and by their Deportment under this Revolution; and you may also add, to all this, a civil Test.

Query 14. What Method then shall be taken to raise more Money? Such a Method as is consistent with our Interest, as will not raise more Dust than it will lay. Such a Method as will preserve our Friends, and destroy none but Enemies; as will raise no Pity or Commiseration, and, consequently, no Aversion to the Government. Such a Method as is proper after so great a Revolution, and may unite all true Protestants at Home, against the Common Enemy abroad. Such a Method as may prevent France from being Universal Monarch, and make England the great Umpire of all Europe. But the particular Method is humbly submitted to the Honourable Members of the House of Commons.

Query 15. Shall we then impose a certain Fine upon all such as refuse the Oaths, and in case of a Criminal, that the Fine shall be doubled? The Dissenter is so charitable as to believe that there are many pious and religious Prelates, and other Members of the Church of *England*, who intend to live quietly under the present Government; tho' their Consciences may be tender in this Point; and hope the Members of the Church of *England* will have as favourable Construction of their Proceedings in the Late King's Reign. But 'tis presum'd that those who say they intend to live quietly under the present Government; will not refuse to swear it, and to take such a Test as this, *viz.*

I (A. B.) do Swear, and Solemnly Profess, in the Presence of Almighty God, That I will not take up Arms, nor by any other Ways or Means, Directly, or Indirectly, Counsel or Assist any Person or Persons whatsoever against their present Majesties KING WILLIAM and QUEEN MARY. So help me God.

And if any such there be in this Kingdom, it may be our Interest to discover them, and very just to raise a Tax upon them : For he who renounces Subjection, renounces Protection, and, consequently, hath not Right by Law to his Life, Liberty, or Estate. By such a Tax, you will oblige your Friends, and disable your Enemies ; And either such a Law will raise a considerable Sum, or it will not : If it will not, then you will have Men instead of Money ; you will the better govern at your strength, and what Measures to take hereafter, the Nation can lose nothing by such a Law : And His Majesty having been Graciously pleased to intimate his pleasure, *That He shall not have Occasion for more Money till next Sessions*, by that time a better and more effectual Method may be discover'd. But if it should so happen, that by this means a considerable Sum may be raised, (as it is not impossible) you will not lose or reject one Friend by it ; but you only take from your Enemies that Money which you may be sure will otherwise be made use of against the Government, as soon as a fair Opportunity offers itself ; And you will thereby gain the great Advantage to make this happy Revolution more easie and acceptable to the Nation.

By a Just Prevention of Future Taxes on the People.

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